THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.15518 OF 2005

DATED 30.09.2005

BETWEEN

Hanumantha Rao S/o T.Veeraiah Chowdhary, plot No.1299K,

Road No.36, Jubilee Hills, Hyderabad and others.

…Petitioners

and

The Commissioner of Police, Hyderabad City, Basheerbagh,

Hyderabad and others.

…Respondents

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ORDER:

The petitioners who are eight in number were allotted house sites in Jubilee Hills Cooperative House Building Society Limited (Jubilee Hills Society, for brevity), the third respondent herein. In this writ petition, they seek a writ of Mandamus declaring the action of the respondents, namely, Commissioner of Police, Commissioner of Municipal Corporation of Hyderabad and Jubilee Hills Society in seeking to construct police station in the area earmarked for Green Belt and Storm Water Drainage and Sewerage between plot Nos.470-A and 471, Road No.36, Jubilee Hills, Hyderabad, as illegal and arbitrary. They also seek a consequential direction to respondents not to construct police station in the land referred to hereinabove.

The eighth petitioner herein, Sri Asharam, filed affidavit on behalf of the petitioners. He was allotted plot No.471-A, Road No.36, Jubilee Hills, Hyderabad. He alleged that in July 2002, having come to know that there is a proposal for construction of police station in the land between plot Nos.470-A and 471, they approached the Municipal Corporation of Hyderabad. Again during last week of December, 2004, when there was such a move, the petitioners made a representation to the respondents. On both the occasions, the activity was stopped. The petitioners allege that on 10.07.2005, the subordinates of the first respondent herein came with bulldozers, cut the trees in the area and levelled the land covering the drain and sewerage manholes for construction of police station, in spite of the petitioners suggesting alternative site. They also allege that though initially Jubilee Hills Society resolved not to allot the land for police station, due to pressure brought on it subsequently allotted the land for construction of police station, which is gross violation of Articles 14 and 21 of Constitution of India.

After receiving the notices, Jubilee Hills Society has filed counter affidavit and also placed the comprehensive layout plan as well as detailed map showing plot Nos.470, 470-A and 471 along with the area that lies vacant between plot Nos.470-A and 471. It is the case of the Jubilee Hills Society that the land allotted for construction of police station is not earmarked for green belt. The eighth petitioner encroached upon part of the land belonging to Jubilee Hills Society through his son, who filed O.S.No.2220 of 1999 on the file of the Court of the IV Junior Civil Judge, City Civil Court at Hyderabad for permanent injunction. The Jubilee Hills Society filed I.A.No.619 of 2003 for appointment of Commissioner. The same was dismissed, whereupon Jubilee Hills Society filed civil revision petition being C.R.P.No.2593 of 2005. By order dated 14.07.2005, this Court allowed the civil revision petition and directed the lower Court to appoint a Commissioner for localization of the land covered by two sale deeds dated 17.05.1985 and 24.03.1995. Therefore, eighth petitioner along with others chose to file the writ petition without any basis. It is further stated that while allotting and executing sale deed in favour of Smt.Prabha Rao, storm water drain was shown through the open space i.e. by the side of plot No.471. As Narender Kumar Sankla, son of eighth petitioner, encroached upon a part of the Jubilee Hills Society's open land, the Society constructed open drain for disposing of the storm water duly regularising

rainwater drain. All other allegations made by the petitioners are denied.

A perusal of the layout plan would show that there is no open space or green belt area between plot Nos.470-A and 471. Further, the plan annexed to the amended counter affidavit filed by the Jubilee Hills Society shows that there is no open space or green belt area but 250 square yards of land was allegedly occupied by the purchaser of plot No.471. The learned counsel for the petitioner, Sri S.Srinivas Reddy, however, has drawn the attention of this Court to a printed layout plan allegedly of Jubilee Hills Society. The same would show that a small portion of open space to plot Nos.470-A and 471 is shown in green colour. This itself is not conclusive because in the said plan all the areas other than laidout plots are shown either in pink colour or green colour. Mere showing of an area in green colour does not make it a green belt area. On the contrary, the plan produced by the Jubilee Hills Society is certified to be a true copy by the Jubilee Hills Society and the reverse of this shows all the details of approvals and sanctions by Municipal Corporation of Hyderabad. Therefore, this Court holds that there is no green belt area between plot Nos.470-A and 471 in Road No.36, Jubilee Hills, Hyderabad.

The writ petition is devoid of any merits and is accordingly dismissed.

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(V.V.S.RAO,J)

30.09.2005.

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